

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

APR 30 2010

JOHN F. CORCORAN, CLERK
BY: *J. Corcoran*
DEPUTY CLERK

UNITED STATES OF AMERICA,)
v.)
ISRAEL ARELLANO-ARELLANO,) Case No. 5:07CR00063
Defendant.) (Case No. 7:10CV80242)
) FINAL JUDGMENT AND ORDER
)
) By: Glen E. Conrad
) United States District Judge
)

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

as follows:

1. The motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 (Dkt. No. 617) is hereby **DISMISSED** as untimely; and the § 2255 action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.
2. The defendant's "MOTION FOR RESENTENCING UNDER 18 U.S.C. § 3553(A) AND U.S.S.G. § 2D1.1(A)(3)" (Dkt. No. 616) is **DENIED** as without merit.

The Clerk is directed to send copies of this judgment and order to the defendant.

ENTER: This 30th day of April, 2010.

Glen Conrad

United States District Judge